



Committee on Environmental Regulation

Action Packet

**Wednesday, March 15, 2006
2:30 – 5:30 PM
212 Knott**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Environmental Regulation Committee

Start Date and Time: Wednesday, March 15, 2006 02:30 pm
End Date and Time: Wednesday, March 15, 2006 05:30 pm
Location: 212 Knott Building
Duration: 3.00 hrs

Consideration of the following bill(s):

HB 1155 Contaminated Drycleaning Facilities by Evers
HB 1249 Funding for the Management and Restoration of Apalachicola Bay by Kendrick

Consideration of the following proposed committee bill(s):

PCB ENVR 06-02 -- Brownfields
PCB ENVR 06-04 -- Dept. of Interior Constitutional Amendment
PCB ENVR 06-05 -- Solid Waste

NOTICE FINALIZED on 03/13/2006 16:19 by Deslatte.Jennifer

COMMITTEE MEETING REPORT
Environmental Regulation Committee
3/15/2006 2:30:00PM

Location: 212 Knott Building

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|-------------------------|----------------|---------------|----------------|
| Mitch Needelman (Chair) | X | | |
| Bob Allen | X | | |
| Don Davis | X | | |
| Will Kendrick | X | | |
| Frank Peterman | X | | |
| David Russell | X | | |
| Franklin Sands | X | | |
| Totals: | 7 | 0 | 0 |

Committee meeting was reported out: Wednesday, March 15, 2006 5:12:42PM

COMMITTEE MEETING REPORT
Environmental Regulation Committee

3/15/2006 2:30:00PM

Location: 212 Knott Building

HB 1155 : Contaminated Drycleaning Facilities

☒ *Favorable*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|---|------------|------------|----------------|-------------------------|-------------------------|
| Bob Allen | X | | | | |
| Don Davis | | | X | | |
| Will Kendrick | X | | | | |
| Frank Peterman | | | X | | |
| David Russell | X | | | | |
| Franklin Sands | X | | | | |
| Mitch Needelman (Chair) | X | | | | |
| Total Yeas: 5 Total Nays: 0 | | | | | |

Committee meeting was reported out: Wednesday, March 15, 2006 5:12:42PM

COMMITTEE MEETING REPORT
Environmental Regulation Committee

3/15/2006 2:30:00PM

Location: 212 Knott Building

HB 1249 : Funding for the Management and Restoration of Apalachicola Bay

☒ *Favorable With Committee Substitute*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|---|------------|------------|----------------|-------------------------|-------------------------|
| Bob Allen | X | | | | |
| Don Davis | | | X | | |
| Will Kendrick | X | | | | |
| Frank Peterman | | | X | | |
| David Russell | X | | | | |
| Franklin Sands | X | | | | |
| Mitch Needelman (Chair) | X | | | | |
| Total Yeas: 5 Total Nays: 0 | | | | | |

HB 1249 Amendments

Amendment 1

☒ Adopted

Committee meeting was reported out: Wednesday, March 15, 2006 5:12:42PM

COMMITTEE MEETING REPORT
Environmental Regulation Committee

3/15/2006 2:30:00PM

Location: 212 Knott Building

PCB ENVR 06-02 : Brownfields

☒ *Favorable*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|---|------------|------------|----------------|-------------------------|-------------------------|
| Bob Allen | X | | | | |
| Don Davis | | | X | | |
| Will Kendrick | X | | | | |
| Frank Peterman | X | | | | |
| David Russell | X | | | | |
| Franklin Sands | X | | | | |
| Mitch Needelman (Chair) | | | X | | |
| Total Yeas: 5 Total Nays: 0 | | | | | |

Appearances:

Keyna Cory (Lobbyist) - Proponent
Associated Industries of Florida
110 E. College Ave.
Tallahassee Florida 32301
Phone: 681-1065

Bill Marvin - Information Only
2102 Trescott Drive
Tallahassee Florida 32308
Phone: 385-6006

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COMMITTEE MEETING REPORT
Environmental Regulation Committee

3/15/2006 2:30:00PM

Location: 212 Knott Building

PCB ENVR 06-04 : Dept. of Interior Constitutional Amendment

☒ *Favorable*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|---|------------|------------|----------------|-------------------------|-------------------------|
| Bob Allen | X | | | | |
| Don Davis | | | X | | |
| Will Kendrick | X | | | | |
| Frank Peterman | X | | | | |
| David Russell | X | | | | |
| Franklin Sands | X | | | | |
| Mitch Needelman (Chair) | X | | | | |
| Total Yeas: 6 Total Nays: 0 | | | | | |

Appearances:

Ronald Fred Crun - Proponent
Fishing For Freedom
P.O. Box 145
Panacea Florida 32346
Phone: 850-984-5501

David Gluckman (Lobbyist) - Opponent
541 Old Magnolia Drive
Crawfordville Florida 32327
Phone: 421-0152

Richard Van Munster - Proponent
Fishing For Freedom
P.O. Box 447
Panacea Florida 32346
Phone: 850-984-3359

Eric Draper (Lobbyist) - Information Only
Audubon of Florida
2507 Callaway Rd.
Tallahassee Florida 32303
Phone: 224-7576

David Grix - Proponent
Fishing For Freedom
8122 Race Marie Circle
Baynton Beach Florida 33437
Phone: 561-252-0550

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COMMITTEE MEETING REPORT
Environmental Regulation Committee

3/15/2006 2:30:00PM

Location: 212 Knott Building

PCB ENVR 06-05 : Solid Waste

☒ *Favorable*

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|---|------------|------------|----------------|-------------------------|-------------------------|
| Bob Allen | X | | | | |
| Don Davis | | | X | | |
| Will Kendrick | X | | | | |
| Frank Peterman | X | | | | |
| David Russell | X | | | | |
| Franklin Sands | X | | | | |
| Mitch Needelman (Chair) | | | X | | |
| Total Yeas: 5 Total Nays: 0 | | | | | |

Appearances:

Keyna Cory (Lobbyist) - Proponent

National Solid Wastes Management Association, Florida Chapter
110 E. College Ave.
Tallahassee Florida 32301
Phone: 681-1065

Mary Jean Yan (State Employee) - Information Only

Department of Environmental Protection
2600 Blair Stone Rd.
Tallahassee Florida 32399
Phone: 245-8705

Committee meeting was reported out: Wednesday, March 15, 2006 5:12:42PM

COMMITTEE MEETING REPORT
Environmental Regulation Committee
3/15/2006 2:30:00PM

Location: 212 Knott Building

Summary:

Environmental Regulation Committee

Wednesday March 15, 2006 02:30 pm

HB 1155 Favorable Yeas: 5 Nays: 0

HB 1249 Favorable With Committee Substitute Yeas: 5 Nays: 0

Amendment 1 Adopted

PCB ENVR 06-02 Favorable Yeas: 5 Nays: 0

PCB ENVR 06-04 Favorable Yeas: 6 Nays: 0

PCB ENVR 06-05 Favorable Yeas: 5 Nays: 0

Committee meeting was reported out: Wednesday, March 15, 2006 5:12:42PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1249

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION X (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Environmental Regulation
Committee

Representative Kendrick offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (e) of subsection (1), paragraph (a)
of subsection (2), and subsection (11) of section 201.15,
Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.--All taxes
collected under this chapter shall be distributed as follows and
shall be subject to the service charge imposed in s. 215.20(1),
except that such service charge shall not be levied against any
portion of taxes pledged to debt service on bonds to the extent
that the amount of the service charge is required to pay any
amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the
remaining taxes collected under this chapter shall be used for
the following purposes:

(e) The remainder of the moneys distributed under this
subsection, after the required payments under paragraphs (a),
(b), (c), and (d), shall be paid into the State Treasury to the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund, ~~or to~~ the Marine Resources Conservation Trust Fund, or the General Inspection Trust Fund as provided in subsection (11).

(2) Seven and fifty-six hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(c), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund, ~~or to~~ the Marine Resources Conservation Trust Fund, or the General Inspection Trust Fund as provided in subsection (11). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(c) for the same fiscal year.

(11)(a) From the moneys specified in paragraphs (1)(e) ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and \$2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

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54 (b) After the payments required in paragraph (a), \$300,000
55 shall be paid into the State Treasury to the credit of the
56 General Inspection Trust Fund in fiscal year 2006-2007 and each
57 fiscal year thereafter, to be used to fund oyster management and
58 restoration programs as provided in s. 370.07(3).

59 Section 2. Effective July 1, 2007, paragraph (e) of
60 subsection (1) of section 201.15, Florida Statutes, as amended
61 by section 26 of chapter 2005-290, Laws of Florida, and
62 subsections (2), (11), and (13) of section 201.15, Florida
63 Statutes, as amended by section 1 of chapter 2005-92, Laws of
64 Florida, are amended to read:

65 201.15 Distribution of taxes collected.--All taxes
66 collected under this chapter shall be distributed as follows and
67 shall be subject to the service charge imposed in s. 215.20(1),
68 except that such service charge shall not be levied against any
69 portion of taxes pledged to debt service on bonds to the extent
70 that the amount of the service charge is required to pay any
71 amounts relating to the bonds:

72 (1) Sixty-two and sixty-three hundredths percent of the
73 remaining taxes collected under this chapter shall be used for
74 the following purposes:

75 (e) The remainder of the moneys distributed under this
76 subsection, after the required payments under paragraphs (a),
77 (b), (c), and (d) shall be paid into the State Treasury to the
78 credit of the General Revenue Fund to be used and expended for
79 the purposes for which the General Revenue Fund was created and
80 exists by law or to the Ecosystem Management and Restoration
81 Trust Fund, ~~or to the Marine Resources Conservation Trust Fund,~~
82 or the General Inspection Trust Fund as provided in subsection
83 (11).

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(2) The lesser of seven and fifty-six hundredths percent of the remaining taxes collected under this chapter or \$85.1 ~~\$84.9~~ million in each fiscal year shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(c), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund, ~~or to the~~ Marine Resources Conservation Trust Fund, or the General Inspection Trust Fund as provided in subsection (11). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(c) for the same fiscal year.

(b) The remainder of the moneys distributed under this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(11) (a) From the moneys specified in paragraphs (1)(e) ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and \$2 million shall be paid into the State Treasury to the credit of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

(b) After the payments required in paragraph (a), \$300,000 shall be paid into the State Treasury to the credit of the General Inspection Trust Fund in fiscal year 2006-2007 and each fiscal year thereafter, to be used to fund oyster management and restoration programs as provided in s. 370.07(3).

(13) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), shall not be used for land acquisition, but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59. ~~Prior to the 2005 Regular Session of the Legislature, the Acquisition and Restoration Council shall review and make recommendations to the Legislature concerning the need to repeal this provision. Based on these recommendations, the Legislature shall review the need to repeal this provision during the 2005 Regular Session.~~

Section 3. Subsection (3) of section 370.07, Florida Statutes, is amended to read:

370.07 Wholesale and retail saltwater products dealers; regulation.--

(3) OYSTER MANAGEMENT AND RESTORATION PROGRAMS
~~APALACHICOLA BAY OYSTER SURCHARGE.--~~

~~(a) For purposes of this section, "bag" means an amount of oysters with shells weighing approximately 60 pounds.~~

~~(b) Effective October 1, 1989, there shall be assessed a surcharge of 50 cents on each bag of oysters to be paid by the wholesale dealer first receiving, using, or selling the oysters after harvesting from the waters of Apalachicola Bay.~~

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145 ~~(c)1. Each wholesale dealer shall certify, on such forms~~
146 ~~as may be prescribed by the Department of Revenue, to any~~
147 ~~subsequent purchasing wholesale dealer or other purchaser that~~
148 ~~the surcharge imposed by this subsection has been paid or will~~
149 ~~be paid by such wholesale dealer first receiving the oysters.~~

150 ~~2. In the case where the harvester is also the wholesale~~
151 ~~dealer, such wholesale dealer shall maintain documentation, on~~
152 ~~forms as may be prescribed by the Department of Revenue,~~
153 ~~adequate to establish that the surcharge has been paid or will~~
154 ~~be paid by such wholesale dealer.~~

155 ~~3. In such case where the wholesale dealer is also the~~
156 ~~retail dealer under paragraph (1) (b), such wholesale dealer~~
157 ~~shall maintain documentation, on forms as may be prescribed by~~
158 ~~the Department of Revenue, adequate to establish that the~~
159 ~~surcharge has been paid or will be paid by such wholesale~~
160 ~~dealer.~~

161 ~~(d) Except for the collection allowance pursuant to s.~~
162 ~~212.12 and estimated tax filing requirements pursuant to s.~~
163 ~~212.11, the same duties and privileges imposed by chapter 212~~
164 ~~upon dealers of tangible personal property respecting the~~
165 ~~remission of the surcharge, the making of returns, penalties and~~
166 ~~interest, the keeping of books, records and accounts, and the~~
167 ~~compliance with the rules of the Department of Revenue in the~~
168 ~~administration of chapter 212 shall apply and be binding upon~~
169 ~~all wholesale dealers who are subject to the surcharge imposed~~
170 ~~by this subsection.~~

171 ~~(e) The Department of Revenue shall keep records showing~~
172 ~~the amount of the surcharge collected.~~

173 ~~(f) The Department of Revenue shall collect the surcharge~~
174 ~~for transfer into the General Inspection Trust Fund of the~~
175 ~~Department of Agriculture and Consumer Services.~~

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176 ~~(g) The Department of Revenue is empowered to promulgate~~
177 ~~rules, establish audit procedures for the audit of wholesale~~
178 ~~dealers, assess for delinquency, and prescribe and publish such~~
179 ~~forms as may be necessary to effectuate the provisions of this~~
180 ~~subsection.~~

181 ~~(h) Annually, the Department of Agriculture and Consumer~~
182 ~~Services and the Fish and Wildlife Conservation Commission shall~~
183 ~~furnish the Department of Revenue with a current list of~~
184 ~~wholesale dealers in the state.~~

185 ~~(i) Collections received by the Department of Revenue from~~
186 ~~the surcharge shall be transferred quarterly to the General~~
187 ~~Inspection Trust Fund of the Department of Agriculture and~~
188 ~~Consumer Services, less the costs of administration.~~

189 ~~(j) The executive director of the Department of Revenue is~~
190 ~~hereby authorized to adopt emergency rules pursuant to s.~~
191 ~~120.54(4) for purposes of implementing this subsection.~~
192 ~~Notwithstanding any other provisions of law, such emergency~~
193 ~~rules shall remain effective for 6 months from the date of~~
194 ~~adoption. Other rules of the Department of Revenue related to~~
195 ~~and in furtherance of the orderly implementation of this~~
196 ~~subsection shall not be subject to a s. 120.56(2) rule challenge~~
197 ~~or a s. 120.54(3)(c)2. drawout proceeding but, once adopted,~~
198 ~~shall be subject to a s. 120.56(3) invalidity challenge. Such~~
199 ~~rules shall be adopted by the Governor and Cabinet and shall~~
200 ~~become effective upon filing with the Department of State,~~
201 ~~notwithstanding the provisions of s. 120.54(3)(c)6.~~

202 ~~(k) The Department of Agriculture and Consumer Services~~
203 ~~shall use or distribute funds paid into the State Treasury to~~
204 ~~the credit of the General Inspection Trust Fund pursuant to s.~~
205 ~~201.15(11) generated by this surcharge, less reasonable costs of~~
206 ~~collection and administration, to fund the following oyster~~

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management and restoration programs in Apalachicola Bay and
other oyster harvest areas in the state:

(a)~~1-~~ The relaying and transplanting of live oysters.

(b)~~2-~~ Shell planting to construct or rehabilitate oyster
bars.

(c)~~3-~~ Education programs for licensed oyster harvesters on
oyster biology, aquaculture, boating and water safety,
sanitation, resource conservation, small business management,
and other relevant subjects.

(d)~~4-~~ Research directed toward the enhancement of oyster
production in the bay and the water management needs of the bay.

Section 4. Subsection (3) of section 161.091, Florida
Statutes, is amended to read:

161.091 Beach management; funding; repair and maintenance
strategy.--

(3) In accordance with the intent expressed in s. 161.088
and the legislative finding that erosion of the beaches of this
state is detrimental to tourism, the state's major industry,
further exposes the state's highly developed coastline to severe
storm damage, and threatens beach-related jobs, which, if not
stopped, could significantly reduce state sales tax revenues,
funds deposited into the State Treasury to the credit of the
Ecosystem Management and Restoration Trust Fund, in the annual
amounts provided in s. 201.15(11)(a) ~~s. 201.15(11)~~, shall be
used, for a period of not less than 15 years, to fund the
development, implementation, and administration of the state's
beach management plan, as provided in ss. 161.091-161.212, prior
to the use of such funds deposited pursuant to s. 201.15(11)(a)
~~s. 201.15(11)~~ in that trust fund for any other purpose.

Section 5. Section 213.05, Florida Statutes, is amended to
read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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238 213.05 Department of Revenue; control and administration
239 of revenue laws.--The Department of Revenue shall have only
240 those responsibilities for ad valorem taxation specified to the
241 department in chapter 192, taxation, general provisions; chapter
242 193, assessments; chapter 194, administrative and judicial
243 review of property taxes; chapter 195, property assessment
244 administration and finance; chapter 196, exemption; chapter 197,
245 tax collections, sales, and liens; chapter 199, intangible
246 personal property taxes; and chapter 200, determination of
247 millage. The Department of Revenue shall have the responsibility
248 of regulating, controlling, and administering all revenue laws
249 and performing all duties as provided in s. 125.0104, the Local
250 Option Tourist Development Act; s. 125.0108, tourist impact tax;
251 chapter 198, estate taxes; chapter 201, excise tax on documents;
252 chapter 202, communications services tax; chapter 203, gross
253 receipts taxes; chapter 206, motor and other fuel taxes; chapter
254 211, tax on production of oil and gas and severance of solid
255 minerals; chapter 212, tax on sales, use, and other
256 transactions; chapter 220, income tax code; chapter 221,
257 emergency excise tax; ss. 336.021 and 336.025, taxes on motor
258 fuel and special fuel; ~~s. 370.07(3), Apalachicola Bay oyster~~
259 ~~surcharge~~; s. 376.11, pollutant spill prevention and control; s.
260 403.718, waste tire fees; s. 403.7185, lead-acid battery fees;
261 s. 538.09, registration of secondhand dealers; s. 538.25,
262 registration of secondary metals recyclers; s. 624.4621, group
263 self-insurer's fund premium tax; s. 624.5091, retaliatory tax;
264 s. 624.475, commercial self-insurance fund premium tax; ss.
265 624.509-624.511, insurance code: administration and general
266 provisions; s. 624.515, State Fire Marshal regulatory
267 assessment; s. 627.357, medical malpractice self-insurance

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premium tax; s. 629.5011, reciprocal insurers premium tax; and
s. 681.117, motor vehicle warranty enforcement.

Section 6. On the effective date of this act, the
Department of Revenue shall cease all efforts to collect any
uncollected revenues due or payable pursuant to the 50-cent-per-
bag surcharge that is abolished by this act.

Section 7. Except as otherwise expressly provided in this
act, this act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to funding for oyster management and
restoration programs in Apalachicola Bay and other areas;
amending s. 201.15, F.S.; increasing the distribution of
certain revenues from the excise tax on documents;
authorizing the distribution of such revenues to the
General Inspection Trust Fund of the Department of
Agriculture and Consumer Services; providing for such
funds to be used for oyster management and restoration
programs in Apalachicola Bay and other areas; amending s.
370.07, F.S.; abolishing a surcharge upon oysters
harvested from Apalachicola Bay; deleting certain
requirements related to the surcharge; providing for the
use of moneys from the General Inspection Trust Fund for
oyster management and restoration programs in Apalachicola
Bay and other areas; prohibiting the Department of Revenue
from collecting uncollected moneys payable from the
surcharge; amending ss. 161.091 and 213.05, F.S., to
conform; providing effective dates.